

150 (1947) Departm

Ms SERIES.

G.O. NO.

476

Dated

7.2.47

[Despatch Abstract.]

Sinits - Kollegal Silk Filatures
Ltd, Kollegal - Acquisition of
properties by Govt of Madras -
Decees in G.O. No 2/45 filed in
Dist Court Cor. - Bangalore.
Appeal No 567 of 1946 on IL
file of H.E. High Court Madras.
Advocate General's appearance
in High Court on behalf
Govt - Exon - 1.7.47

Back Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
G.O.	NO 148	MS	Dec/12.145	~~G.O. NO 370~~	20		
G.O.	NO 626	MS	Dec/19.246	G.O. 3720	Home		
G.O.	NO 200	Home (Pr. m. l. m.)			18.841		
G.O.	4350	Home (Pr. m. l. m.)	Dec 11.141	G.O. 1753	Home		
			Dec 25.1040		2.644		

G.O. NO 3577 Home (Pr. m. l. m.) / 14.11.35

Further Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
G.O.	224	DW	29.8.40	MS	599	LEA	21-12-49
Letter No	17846	DR	7.4.46				
		Dec	2/2/46				
MS	4386	Dec	23/8/45				

IN THE HIGH COURT OF JUDICATURE AT MADRAS.

Appeal No. 567 of 1946

3756

D/47

The Kollegal Silk Filatures Ltd. Appellant.
 The Province of Madras, represented by the Secy. to Govt. of Madras. Respondent.
 Appeal from the decree of the District Court of Coimbatore
 the 26th day of Nov 45 in OS 2/45.

To vide margin

Take notice that an appeal from the above decree (order) has been presented by the abovenamed appellants and registered in this Court and that if you intend to defend the same you must enter an appearance, in this Court and give notice thereof to the appellant or his pleader within 30 days after service of this notice on you.

If no appearance is entered on your behalf by yourself, your pleader or some one by law authorized to act for you in this appeal, it will be heard and decided in your absence.

The address for service of the appellant is that of his pleader Mr. K. S. Sankaran Iyer
 of Madras.

சென்னைப்பட்டணம் கோர்ட்டில்.
 194 -ம் வருத்திய

கோர்ட்டின்

தேதியையுடைய

அப்பீல் பிரதிவாதியாகிய



அப்பீல் வாதி.

அப்பீல் பிரதிவாதி.

பேரில் அப்பீல்.

க்கு.

மேலேகண்ட டிக்கிரியின் (உத்திரவின்) பேரில் மேற்கண்ட அப்பீல் வாதிகளால் அப்பீல் * நாக்கல் செய்யப்பட்டு இந்த கோர்ட்டில் ரிஜிஸ்டர் செய்யப்பட்டிருக்கிறது என்றும் இந்த அப்பீலில் வாதம் செய்த நீர் உத்தேசிக்குமபட்சத்தில், இந்த நோட்டீஸ் உமக்கு சேர்ப்பிக்கப்பட்ட 30 தினங்களுக்குள் நீர் இந்த கோர்ட்டில் ஆஜராவதை எழுத்து மூலமாய்த் தெரியப்படுத்தி அது விபரத்துக்கு அப்பீல் வாதிக்காவது அல்லது அவர் ப்ளீட்ருக்காவது தெரியப்படுத்தவேண்டும் என்றும் அறியவும்.

உம்முடைய பட்சத்தில் நீராவது, உம்முடைய ப்ளீட்ராவது, இந்த அப்பீலில் உமக்காக வாதம் செய்ய சட்டப்படி அதிகாரமுடைய எவராவது ஆஜராவதை எழுத்துமூலமாய்த் தெரியப்படுத்தாவிட்டால் நீர் இல்லாமலே அது விசாரணையாய் தீர்மானிக்கப்படும்.

அப்பீல் வாதிக்கு ஜாரியாகவேண்டிய சம்மன்ஸ் வகையருக்களுக்கு மேல்விலாசம் அவருடைய ப்ளீட்ர் மிஸ்டர்

சென்னைப்பட்டணம்.

By order of the Court. கோர்ட்டார் உத்திரவின் டிக்கு.

MADRAS,

17/12/1946.

சென்னைப்பட்டணம்,

194 -ம் வரு

Sub-Assistant Registrar. டிப்-அசிஸ்டன்ட் ரிஜிஸ்ட்ரார்.
 Appellate Side. அப்பெல்லைட் ஸைட்.

*இதன் அப்பீல் மீமோராண்டத்துக்கு ஒரு நகல் இத்துடன் சேர்க்கப்பட்டிருக்கிறது. *A copy of the Memorandum of which is annexed hereto.

The Province of Madras
 Government
 For St. George, Madras

H.Ct. No. 1 (a)—3,002—3-46.

[Interlocutory Application No. of 194 has been made by appellant and execution has been stayed (or other order made) by order dated the day of 194 .]

அப்பீல் வாதியால் 194 -ம் வருஷத்திய இன்டர்லாக்ரூயுடெரி விண்ணப்பம் நெ. கொடுக்கப்பட்டு, 194 -ம் வருஷ -ம் தேதியில் செய்யப்பட்ட உத்திரவுப்படி நிறைவேறுதல் நிறுத்திவைக்கப்பட்டிருக்கிறது (அல்லது வேறு உத்தரவு செய்யப்பட்டிருக்கிறது).

The hours of attendance at the Office of the Registrar in the High Court Buildings are 11 a.m. to 4 p.m.

ஹைகோர்ட்டில் ரிஜிஸ்ட்ரார் அவர்களுடைய ஆபீஸ் வேலைகள் நடக்கவேண்டியதற்காக காலை 11 மணி முதல் மர்னீ 4 மணி வரையில் திறந்துவைக்கப்படும்.

இந்த நோட்டீஸ் நகலையும் அப்பீல் மிமோ இதில் பிராஸெஸ் சர்வர் ரிட்டர்ன் எழுத காண்டத்தின் நகலையும் நான் பெற்றுக்கொண் வேண்டியது.
டேன்.

MEMORANDUM OF REGULAR APPEAL.

(Under Section 96 C.P.C)

In the Court of the District Judge of Coimbatore,

O.S.No. 2 of 1945.

In the High Court of Judicature, Appellate Side, Madras.

Appeal No. _____ of 1946.

	In the Dist. Court.	In the High Court.
The Kollegal Silk Filatures Limited) Kollegal, Coimbatore District.	Plff.	Appellant.
- Vs -		
The Province of Madras represented by the Secretary to Government. Development Department, Fort St. George, Madras.	Def.	Respondent.

The address of the appellant abovenamed for service of all notices and processos is that of his counsel at No.59, Law Chambers, High Court Buildings, Madras.

The abovenamed appellant begs to present this Memorandum of Regular Appeal to this Honourable Court against the decree and judgment of the District Judge of Coimbatore in Original Suit No.2 of 1945 dated the 25th day of November/1945, for the following among other grounds:-

1. The decision of the lower court is opposed to law, the weight of evidence and the probabilities of the case.
2. The lower court erred in holding that the

requisition and acquisition of the moveable and immovable properties of the Kollegal Silk Filatures under Rule 75-A of the Defence of India Rules was legal.

3. The lower court should have held that the requisition and acquisition of an undertaking is not authorised under S.75-A and the notices of requisition and acquisition under that section were illegal and ultra vires the powers of the defendant.

4. The learned Judge erred in thinking that there was a distinction between requisitioning and acquiring the moveable and immovable properties of an undertaking and the requisitioning and acquiring an undertaking itself; and in holding that what was done in this case was the former and not the latter.

5. The court below erred in holding that as rule 75-A provides for acquisition, and 3.19 for compensation, therefore the orders in this case were not illegal.

6. The lower court should have held that the only order which the defendant could have made was one under rule 81 and should have followed the decision in ^{I.L.R} 24 Lab. 61.

7. The lower court should further have held that the action of the defendant contravened the provisions of Section 15 of the Defence of India Act.

8. The learned Judge erred in holding that the defendant acted ~~ex~~ bona fide in ordering the requisition and acquisition.

9. The court below erred in holding that the suit was not maintainable. It overlooked the clause in the section that the order must be one made in the

exercise of a power conferred by or under the act and where that power is lacking, a suit is not prohibited.

10. The lower court erred in holding that Art.14 of the Limitation Act barred the suit.

11. The lower court erred in holding that there was anything in the Act or rules preventing the plaintiff from suing for damages properly due to the plaintiff, having held that the plaintiff was entitled to claim damages at Rs.3000/- per month, the lower court should have awarded adequate damages having taken into consideration any damages or compensation that may have been paid to the plaintiff.

12. The learned Judge erred in holding that the award of compensation under the Act was a bar to its passing a decree for damages found by it to be due and payable to the plaintiff.

13. The court below erred in holding that the plaintiff is not entitled to the declaration prayed for.

14. The lower court should have held that the provision in the Defence of India rules relating to requisition and acquisition must be construed to be limited to the period of its operation, namely the period of the war and six months thereafter, and the war having ended, the lower court should have directed the restoration of all the properties to the plaintiff.

15. The court below failed to note that when the Act itself was in force during the continuance of the war and for a period of 6 months thereafter, that fixes the period during which the acquisition will be effective, and no requisition or acquisition can legally be made

under the Act or the rules to last for a longer period.

Memo of valuation.

Value of the appeal is the same as
in lower court.

Court fee paid thereon

... Rs. 2332 7 0

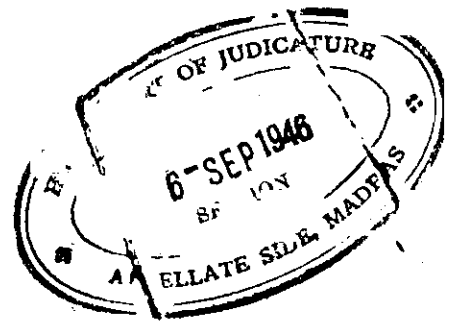
(Sd) K. S. Sankaranarayanan

(One copy)

K. S. Sankaranarayanan

Madras, 6/9/1946.

Counsel for Appellant.



Immediate
To be issued
in section 10

DRAFT FOR APPROVAL

G.F. 14

Dev Sep

SUBJECT:—

When received for
fair copying

When copied ..

When examined..

When signed ..

When despatched.

READ AGAIN .., dated

READ ALSO:—

No. .. From the ..

Sub: Sinitis - Kollegal
Silt Filatures Ltd, Kollegal
Acquisition of properties
by Govt of Madras - Decree
in No. 5/45 of 1945
in the file of the
Court Criminal - Appeal
No. 567 of 1946, on the file
of the High Court Madras -
Advocate General's Appearance
in High Court on behalf of
Crown - Ordered 19

No. 3758 of 47. Notice of appeal in No. 567 of 1946

Order Ms. No. 476 dated 7.2.47 in the file of the High Court Madras

H.E. the Governor of Madras direct that
The Advocate General Madras
is requested to appear on behalf of
the Crown and oppose the Appeal
in No. 567 of 1946 on the file of the
High Court, Madras.

The notice in respect of the Appeal was
served on the Respondent on 11.1.47. The Advocate
General Madras is requested to appear
through the Solicitor General Madras
to the Appellate or his Pleader within 30 days
of that date.

The D.D. is requested to furnish all
particulars required by the Advocate General
in the defence of the Appeal.

The Advocate General is requested to
obtain the specific sanction of the Govt. in case he

requires the assistance of the Govt. Pleader, Gimbrow

who conducted the case in the DA case - Gimbrow and

'R' in p 4 my

to report particulars as to when the Govt Pleader

Gimbrow planned go over to Madras and has long his

would

presence ~~not~~ be required in the city

Dec
6-2-47

ASST

7-2-47

7/11

7/12

sp. by Sp. Pleader ^{7/12} To the Advocate General, Madras
Through Govt Pleader, Madras ✓
7/12

sp. by Sp. Pleader ^{7/12} 1. A.G. Madras through 2. Govt. Pleader, Madras ✓
7/12

sp. by Sp. Pleader ^{7/12} Govt Pleader, Gimbrow.

sp. by Sp. Pleader ^{7/12} Copy to Home Dept
Copy to Registrar, High Court, Madras
Copy to Home Dept

Copy to S.A. ^{7/12} 7-2-47
Two sp. copies.

94716 b/f
9.12.46

IN THE HIGH COURT OF JUDICATURE AT MADRAS.
Wednesday, the fourth day of December --
One thousand nine hundred and forty six.
Present:

The Honourable Mr. Justice Rajamannar

Civil Miscellaneous Petition No. 6037 of 1946.

The Kollegal Silk Filatures Limited,) Petitioner (Appellant in
Kollegal, Coimbatore District.) Appeal No. 567 of 1946 of the
file of the High Court).

Petition praying that in the circumstances stated in the affidavit filed therewith the High Court will be pleased to issue an order of an injunction restraining the Respondent herein from dismantling the silk filatures of the petitioner herein pending appeal No. 567 of 1946 preferred to the High Court from the decree of the District Court of Coimbatore in O.S. No. 2 of 1945.

Order: This petition coming on for orders, upon perusing the petition and the affidavit filed in support thereof, and upon hearing the arguments of Mr. K. S. Sankara Aiyar, Advocate for the petitioner, it is ordered that notice be given to the Respondent to show cause why this application should not be complied with, and that the Respondent herein, namely, the ~~Province~~ Province of Madras represented by the Secretary to Government, Development Department, Fort St. George, Madras be, and hereby is, restrained from dismantling the silk filatures of the petitioner herein (Coimbatore) pending further orders on this petition.

(sd) J. Subbaswamy,

Assistant Registrar, Appellate Side.

(True copy)

J. Subbaswamy
Sub-Assistant Registrar,
A.S.

To

1. The District Judge of Coimbatore (with a copy for service of the Respondent).
- ✓ 2. The Secretary to Government, Development Department, Fort St. George, Madras (for compliance).

pl. issue
11.12.46

Encl. No. 9471621/46 - 1 15/11.12.46

ber b/f

communicated to the D.I.B. for urgent remarks.

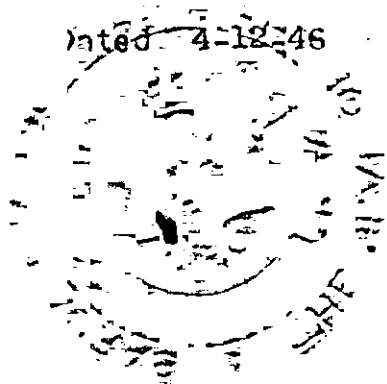
in consultation with the Govt. Solicitor immediate remand.

To The D.I.B., Madras 10.12.46

10.12.46

in consultation with the Govt. Solicitor

10.12.46



ON.

The copy of the petition will presumably be received from the District Judge by the Civil Pleader, Coimbatore. He will be addressing Civil to the matter in regard to the petition to be taken.

Draft Civil order is for approval.

10/12/46

This may be sent to the D.I.C. for immediate remarks in consultation with the Civil Pleader. The draft endt. overleaf is for approval.

Order

C.H.P.No.6037 of 1946

APM

11-12-46

S.

11/12/46

81

Directing issue of notice to the respondent and restraining the respondent herein from dismantling the ^{silk} and filatures of the petitioner herein, Coimbatore pending further orders on this petition.

JUDICIAL DEPARTMENT.

No. 6387
12-12-46.

OFFICE District Court,STATION Coimbatore.Dated 12th December 1946.
Bar-at-Law

From P. Koman Esq, M B.A., R.L. I.C.S.,
District Judge, Coimbatore.

To

The Secretary to Government,
 Development Department, Fort St., George,
 Madras.

Sir,

I have the honour to enclose a ^{notice*} ~~summons~~ in duplicate and to request that you will be so good as to
 serve the duplicate on the person named therein and return the original to this Court
 with the manner of service duly endorsed.

*Notice in C.M.P. No. 6037
 of 1946 High Court, Madras

I have the honour to be

S.r,

Your most obedient servant,

P. Koman
 Additional District Judge
 (in charge)

4/12

21/17.12

Dev. Dept

To U.S.

Sh. endt. of service of notice put y
on p 8 of. may kindly be signed by Secy.

As the petition & the affidavit referred
to in the notice of the High Court have not been received
with the notice, they may be called for from the High Court.
Subject to orders, a draft memo to the Registrar of the High
Court, is submitted for approval.

P. P. A.
P. P. C.

Rev. ...
10-12-46

Adm
16/12/46

Adm
16-12-46

S. H. M. (P. I.) may
be ...
24.12.46

... 16/12/46

Dy. Secy

B

IN THE HIGH COURT OF MADRAS
Wednesday, the fourth day of December
One thousand nine hundred and forty six
Present:

The Honourable Mr. Justice Rajamannar

Civil Miscellaneous Petition No. 6037 of 1946.

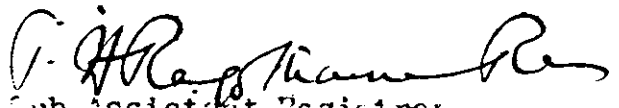
The Kollegal Silk Filatures Limited,) Petitioner (Appellant in
Kollegal, Coimbatore District.) Appeal No. 567 of 1946 of the
file of the High Court).

Petitioner praying that in the circumstances stated in the affidavit filed therewith the High Court will be pleased to issue an order of an injunction restraining the Respondent herein from dismantling the silk filatures of the petitioner herein pending appeal No. 567 of 1946 preferred to the High Court from the decree of the District Court of Coimbatore in O. No. 2 of 1945.

Order: This petition coming on for orders, upon perusing the petition and the affidavit filed in support thereof, and upon hearing the arguments of Mr. K. S. Sankara Aiyar, Advocate for the petitioner, it is ordered that notice be given to the Respondent to show cause why this application should not be complied with, and that the Respondent herein, namely, the ~~Patikula~~ Province of Madras represented by the Secretary to Government, Development Department, Fort St. George, Madras be, and hereby is, restrained from dismantling the silk filatures of the petitioner herein, (Coimbatore) pending further orders on this petition.

(sd) J. Subhaswamy,
Assistant Registrar, Appellate Side.

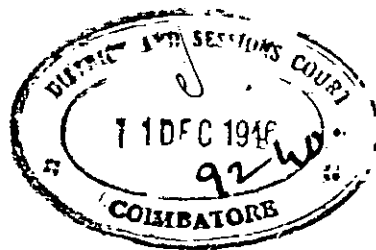
(True copy)


Sub-Assistant Registrar
6/12/46

To

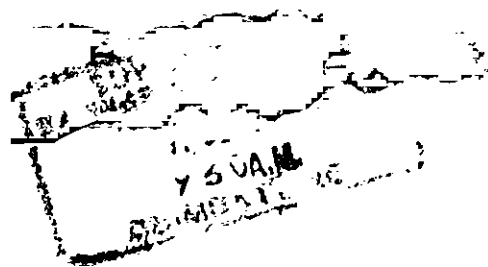
1. The District Judge of Coimbatore (with a copy for service on the Respondent).
2. The Secretary to Government, Development Department, Fort St. George, Madras (for compliance).

16/14
Dated 4-12-46



Order

C.M.P. No. 6037 of 1946



Directing issue of notice to the
respondent and restraining the respondent
herein from dismantling the ^{silk} ~~old~~ filatures
of the petitioner herein, Coimbatore, pending
further orders on this petition.

170
17.12

17/12

Memo No 94716 D/46 2nd 17/12 46

Sub: Suit - Appeal No 567 of 1946 on the
file of the High Court - Petition by
Kollagal Sibi Sivaswami, Kollagal.

Ref: Notice dated 14.12.46 issued by the High
Court to the Respondent in Civil No. 1137
Petition No 6037 of 1946.

got 7

P. 11/15
at once

17.12.46

150

The Registrar, High Court, Madras
is requested to furnish as early as possible
a copy of the petition, and of the affidavit
filed thereon by the Appellant, mentioned in
the notice cited above to enable the Respondent
in this case (Sgt. to the Govt. Development Dept, Madras)
to file a reply to the notice.

ADN
16.12.46

17/12

The Registrar, High Court
Madras

Copy to the D-2

2nd 46
16/12

Dev. Dept

Memo NO 94746 D-746-12-46

Sub: Suits - Appeal NO 567 of 1946
referred by the R.S. [unclear] to
the Hon. the J. of the High Court
prepared by the Hon. the Secy. to the Govt.

Ref: ^{dated 6.12.46} Notice No. 6037 of
1946 issued to Secy. Dev. Dept, Int. St. Secy. (Regd.)

The Registrar, High Court
is requested to furnish a copy
of the ~~above~~ petition ^{as per order}
for the ~~formation~~ ^{formation} of the Govt. ~~at an~~
early date ^{as per order} ~~in~~

To

The Registrar

High Court

Remarks: The matter is also
for approval.

16/12/46

170
17.12 17/12

Memo No. 24716 D/46-2 dtd 17.12.46

Sub: Suit - Appeal No. 567 of 1946 on the
file of the High Court - Petition by
Kollagal Siva Dilasappa, Kollagal.

Ref: Notice dated 14.12.46 issued by the High
Court to the Respondent in Civil Miscellaneous
Petition No. 6037 of 1946.

got 9

P. C. m. 15
at once

17.12.46

50

The Registrar, High Court, Madras
is requested to furnish as early as possible
a copy of the petition, and of the Affidavit
filed thereon by the Appellant, mentioned in
the notice cited above to enable the Respondent
in this case (Sgt. A. K. G. S. Development Dept, Madras)
to file a reply to the notice.

ADN
16.12.46

17/12

To the Registrar, High Court
Madras

Copy to the D. I. B.

2021
16/12/46

N.No.151/46.

From

J. Subbawamy Esquire, M.A., Bār-at-Law,
Assistant Registrar, Appellate Side, High Court, Madras

TO

The Under-Secretary to Government,
Development Department, Government of Madras, Fort St. George.

Dated, 19th December 1946.

Sub:- Suits - Appeal No.567 of 1946 on the file of the High Court,
Madras.

Ref:- Notice to the Respondent in Civil Mis. Petition No.6037 of
1946 - Government of Madras, Development Dept. Memorandum
No.94716 D-1/46 dated 17th December 1946.

I am directed to state that the Government Pleader, Madras has been served with a copy of the Petition and affidavit in C.M.P.No.6037 of 1946 and that he has filed appearance on behalf of the Respondent (the Government). I am however to enclose a copy of the Petition and the affidavit for the use of Government in taking further steps in the matter. The copies sent herewith may be acknowledged.

BCR.

Di-Subbawamy - 6
31/12/46
For Assistant Registrar, Appellate Side.

Memorandum of Civil Miscellaneous Petition.

Under ~~Section~~ Or. 39 rule 1 & 2 C.P.C.

IN THE HIGH COURT OF JUDICATURE APPELLATE SIDE, MADRAS.

C.M.P. No. 6037 of 1946

in
A. S. No. 567 of 1946.

The Kollegal Silk Filatures Limited
Kollegal, Coimbatore District. ... ~~Respondent~~ (Appellant) -- Petitioner.

-Versus-

The Province of Madras represented by
the Secretary to Government, Develop-
ment Department, Fort St. George, Madras. (Respondent) Respondent.

For the reasons stated in the accompanying affidavit the petitioner abovenamed humbly prays that this Hon'ble Court may be pleased to order an ad interim injunction restraining the Government (Respondent herein) from dismantling the silk filatures pending the disposal of the above appeal.

Madras, dated this 2nd day of December, 1946.

(Signed) K.S. Sankara Ayyar,
-Counsel for Petitioner (Appellant).

IN THE HIGH COURT OF JUDICATURE, APPELLATE SIDE, MADRAS.

A.S.No.567 of 1946.

The Kollegal Silk Filatures Limited
Kollegal, Coimbatore District. ...

Appellant.

-versus-

The Province of Madras represented by the
Secretary to Government, Development Depart-
ment, Fort St. George, Madras ...

Respondent.

A f f i d a v i t.

I, M.S. Ganesa Aiyar, son of late Sundarappier, Hindu, Brahmin, aged about 63 years, managing Director of the appellant Company herein, residing at "Sundara Bhavan" Basavangudi, Bangalore City do hereby solemnly and sincerely affirm and state as follows:-

1. That I am the managing Director of the appellant (Plaintiff) Company.
2. That the suit was for a declaration that the requisition and acquisition of the plaintiff's factory at Kollegal under the orders of Government dated 12th March 1943 and 30th March 1943 are beyond the powers of Government and illegal and for an order directing the defendant to hand over possession of the properties moveable and immoveable to the plaintiff or in the alternative to direct the Government to hand over possession of the properties after the period of the war and six months thereafter if the Government's possession were valid under the said requisition, for damages and for other reliefs.
3. The plaintiff stated that, as a limited company, the plaintiff carried on the business of Silk Filatures and for that purpose had acquired lands built factories, erected plant and machinery and has been manufacturing silk and selling their products since 29th November 1937. The Government of Madras had taken shares in the Company and had a representative in the Board of Directors. The plaintiff was supplying silk to the Government of Madras which required it for parachute purpose. The Director of Industries and Commerce, Madras served on the plaintiff an order of 12-3-1943 requisitioning the Kollegal Silk Filatures Limited under the Defence of India Rules. In execution of this order the Government took possession of the Company's immoveable and moveable properties on 16th March 1943. Later, the Director of Industries served on the plaintiff a notice under Rule 75-A(2) that the Government decided

-2-

to acquire the said property. The plaintiff protested against the legality of the acquisition. In respect of the compensation payable, as the plaintiff objected to the amount offered by the Government, the District Judge Coimbatore, was appointed as arbitrator. He gave his award and the plaintiff has appealed against it to this Hon'ble Court and it is pending in this Court.

4. The defendant justified the requisition and acquisition under the Defence of India Rules; while admitting that they requisitioned specific property, the Government denied that it formed an integral and inseparable parts of an industrial undertaking and it did not form an industrial undertaking.

5. The learned Judge held that "There is no doubt that the Government by requisitioning and acquiring the land, factory, machinery etc. which ~~formed~~ formed the plaintiff's Silk Filature factory at Kollegal took over a going concern and proceeded to work it as such." But added that "it does not follow that the Government requisitioned and acquired an industrial undertaking. it is something more than a factory. It includes the whole organisation of the Company owning the factory." Again he observed "my opinion is that an industrial undertaking is something wider than a mere factory, but even if the factory by itself is regarded as an industrial undertaking, it only consists of moveable and immoveable property." Rule 75-A, he held, authorised the requisition and acquisition and that the orders of Government were not *ultra vires*; on the question of damages, he held that a sum of Rs.79000-0-0 which the Government had paid was a reasonable compensation; but as the orders of the Government were legally passed and compensation awarded under the rules, however inadequate the damages awarded may be, the plaintiff was not entitled to damages in this suit.

6. The plaintiff has appealed against the said decision and he is advised that he has good chances of success therein.

7. That I understand and believe the same to be true that the Director of Industries and Commerce Madras has now issued instructions to the General manager, Government Silk Filatures,

23

7

Kollegal, to dismantle the filatures in the plaintiff company's factory Mudigundam, for the occupation of sericulture offices in the Hall of the factory where the filatures were being worked.

8. That if the filatures are dismantled, the plaintiff would suffer grave and irreparable injury and loss and the industry which was developed with infinite trouble and care would be stifled. It would be impossible to remedy it adequately in the event of the plaintiff succeeding in the appeal. The respondent would not suffer any loss or damage by maintaining the filatures as they are.

9. That it is necessary that this Hon'ble Court should be pleased to pass an ad interim injunction restraining the Government from dismantling the silk filatures pending the disposal of the above appeal.

(Signed) M.S. Ganesaiyar,

Solemnly affirmed before me
at Bangalore this 1st day of
December 1946 and signed his
name in my presence.

(Before me)

Sd./- V. Ganapatisundaram Sub Divl. 1st Class
Magistrate, C & M. Station, Bangalore

1-12-1946.

BCR. 

Der. L. K.

Memo No 94716 D/46-5 d 9.1.47

Sub: Suits - Appeal in the High Court, Madras,
in the matter of acquisition of Kollungal
Sila Estates, Kollungal. - CIP No. 6037 of 1

Ref: - Govt Order No 94716 D/46-1 d 11.12.46

It is requested to
expedite the remarks called for in the
order cited above.

AM
9.1.47.

11

R. 22.1.47.

P. 70

~~18. J. J. J.~~
~~2.1.47~~

~~93-101~~
~~10/1~~

Secy Dept

Memo No. 247/6 Dkt 6-4 d 9.1.47.

Re: Suit - Appeal No 567 of 1946 on the file
of the High Court of Madras in the matter
of acquisition of Kollegal Silk Glaziers.

Ref: From the Asst Registrar, Appellate Side, High Court,
Madras No N. 154/46 d 19.12.46.

The receipt of the copies of the
petition and affidavit in C.V.P No 6027 of
1946 sent with the letter cited above is
acknowledged.

21.1.47

A.M.
9.1.47

John
9/1

21.1.47

J. Asst Registrar,
High Court of Madras
Madras

Munir
for
21/11/47

115-16
21/11

JW
21/11/47

Des. Dept.
27

Memo No 94716 D/46-7 d 21.1.47

Sub: Sub - C. M. P. No 6037 of 46 on the file of the High Court, Madras - Temporary injunction restraining the dismantling of Kollegal Silk Industries.

p 1 of

Ref: Govt order No 94716 D/46-1 d 11.12.46.

p 9 of

It is reported that the Govt Pleader, Madras has filed appearance on behalf of the Respondent (the Government) in respect of the C. M. P. No 6037 of 1946 on the file of the High Court of Madras regarding the subject mentioned above. The D.I.B. is requested to report urgently whether he has instructed the Govt Pleader in the matter and if so, on what lines. If he has not so far issued any instructions to

Legal notes on
p 2 of

26

A Galt Pleader, he is requested to indicate
the lines on which the petition should
be contested.

Legal work
12.1.47

AM
18.1.47

AM
20.1.47

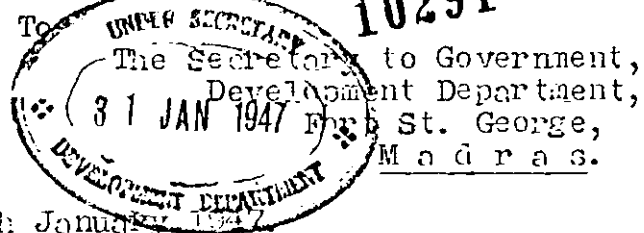
Despatch
23.1
✓ To the D.D. Sec.

R. 30.1.47

Industries & Commerce Department.

From

A. Khaleeli, Esq., I.C.S.
Director of Industries &
Commerce,
Madras.



No. 2160-D/42, dated 30th January 1947

8/1
Sir,

Subject: Suit C.M.P.No. 6037 of 1946 on the file
of the High Court Madras - Temporary
injunction on restraining the dismantling
of the Kollegal Silk Filatures, Kollegal.

19/1/47 Reference: Government Memorandum No. 94716-DI/46-7,
Development, dated 21st January 1947.

The Government Pleader, Madras forwarded to me a copy
of the affidavit served on him by the Kollegal Silk Filatures, Ltd.,
and asked me to furnish him with a counter affidavit meeting the allega-
tion contained therein. As the Government Pleader, Coimbatore who
defended the case preferred by the Kollegal Silk Filatures, Ltd., before
the District Judge, Coimbatore, is in the know of full facts of the
case, he has been asked by the General Manager, Government Silk Filatures,
Kollegal, to prepare the counter affidavit. I shall pass it on to the
Government Pleader, Madras, as soon as it is received from the Govt.
Pleader, Coimbatore.

Shattatueyan
For Director of Industries & Commerce.

Ms/30/1/-

206

206
6/2

Das Sept 1942

Memo No 94716 D.I) 4.6.82 ad (2.4) 82
6247

Sub: Suits - C.M. P NO 6037 of 46 on the
file of the High Court Madras -
Temporary injunction restraining
the dismantling of the R.S.F. College

Ref: From the DG to ^{L.N.} 2160/27/42 ad p 21 above
30.1.42

The DG is requested to ~~forward~~ ^{submit urgently}
to the Govt a copy of the counter affidavit proposed
to be filed by the Govt Pleader on behalf
of the respondent (Govt) in the above

Suit
82
5.2.47

ASR
6.2.47

replied
with
letter

To
The DG
NA 2524

1/2

Page 2122
DEPARTMENT OF INDUSTRIES AND COMMERCE 1947

31
11411

From

A. Khaleeli Esq., I.C.S.,
Director of Industries &
Commerce, Madras.

TO The Secretary to Govern-
ment, Development Depart-
ment, Madras

No.2160.D./42 dated 1st February, 1947

Sir,

Sub: Suits - appeal in the High Court, Madras in the
matter of acquisition of Kollegal Silk Filatures,
Kollegal - C.M.P.No.603.M. of 1946.

Ref: Government Endt.No.94716.D1/46-1 dated 11-12-1946.

A The application of the Managing Director,
Kollegal Silk Filatures Ltd., requesting an order of injunction
restraining the dismantling of machinery at Mudigundam filatures
may be complied with as far as the old machinery and equipments
'actual' taken over from the Company in 1943 are concerned. I
feel, however, that the Department should be at liberty to dis-
mantle the machinery and equipments such as boilers etc., which
were installed by the Department to effect improvements after
the concern was taken over.

VGn.3.2. *mli* for Director of Industries and Commerce. *3/2*

32
Memo No 94716 (21) 46 201 2.47

Pls. take a
chance of
free space.

Smt. C.M.P. No 6037 of 46 on the file of
The High Court, Madras - Temporary
injunction restraining the dismantling
of the K.S.F. College.

1. 10/11/47

Ref:- From the D.G. No 2160 (21) 42 201 2.47

(of Industries & Commerce)

The Director is informed that
pending the disposal of the appeal preferred
by the K.S.F. Ltd in the High Court, none
of the machinery and equipment of

the K.S.F. College should be
dismantled or disturbed, ^{without the explicit order of the High Court}
The Director is instructed to
renew the High Court to clarify the
scope of the injunction if injunction
order is made absolute.

6247
6247

7-2-47

The D.G.
Copy to And Pleader
Name.

DEPARTMENT OF INDUSTRIES AND COMMERCE

33 M
13786 51747
247

From

The Director of Industries & Commerce,
Chepauk, Madras.

To The Government Pleader,
High Court,
Madras.

No.2160.D/42 dated 10th February, 1947

Sir,

Sub: C.M.P.No.6037/46 in A.S.No.567/46 on the file of the High court.

- Ref: 1. Your letter No.977 dated 16-12-1946.
2. Your letter No.114 dated 5-2-1947, to the Government Pleader, Coimbatore.

12-20 bid
I forward herewith a counter affidavit (with 2 spare copies) to be filed in the High court, Madras, on behalf of Government. The counter affidavit has been signed by the General Manager, Government Silk Filatures, Kollegal, who was previously the Manager of the Kollegal Silk Filatures, Kollegal.

NCO R
for Director of Industries and Commerce

Copy submitted to the Secretary to Government, Development Department, Madras, in continuation of my letter with a copy of the counter affidavit. — H-29-30-46

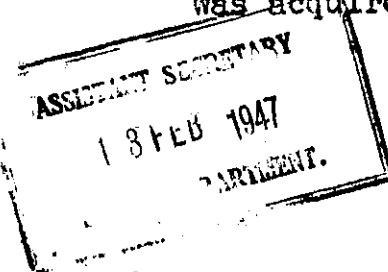
Kollegal Silk Filatures Limited.
Province of Madras.

Appellant
Respondent.

I, Mr. Raman, son of Sri Anantharama Ayyar, Hindu, Brahmin, caste aged about 36, General Manager of the Government Silk Filature, Kollegal, residing at Kollegal solemnly and sincerely affirm and state as follows:--

1. I am the General Manager of Government Silk Filatures, Kollegal.
2. I was the Manager of Kollegal Silk Filature at Mudigundam, from 8th Jan., 1944, to 15th August, 1946, when the Kollegal Silk Filature was amalgamated with the Government Silk Filature.
3. I am conversant with the facts of the case.
4. The allegations in paras 2 to 8 of the petitioner's affidavit are not correct.
5. The Government requisitioned movable and immovable properties of Kollegal Silk Filatures Limited, Kollegal in the first instance under the provisions of the Defence of India Rules.
6. The above said requisitioned properties were subsequently acquired by the Government under the provisions of the Defence of India Rules.
7. The Government have therefore become entitled to the above said properties. The appellant was entitled only to get compensation for the above said acquired properties.
8. The Government awarded the compensation to the appellant towards the value of the above said properties. As the appellant did not accept the amount of compensation awarded by the Government, the matter was referred to Arbitration under section 12 of the Defence of India Act. The Arbitrator dismissed the appellant's claim for enhanced compensation.
9. The appellant has been paid the amount of compensation awarded by the Government.
10. As the Government have become the owner of the abovesaid properties, the Government are making use of the properties for such purposes as are necessary from time to time.

11. It is not correct to state that the appellant would be put to grave or irreparable injury or loss on account of use of the acquired properties for such purposes as are necessary from time to time by the Government. Part of the machinery that were added after Government acquired the concern have been dismantled but this removal would not cause any serious injury or damage to the buildings the said machinery can be easily replaced and put up in their old position and condition.
12. The appellant has not given sufficient and valid grounds for grant of an order for injunction restraining the Government from dismantling or from making use of the acquired properties for the occupation of sericultural offices in the premises of the factory.
13. The petition is therefore liable to be dismissed with costs.
14. If, however, the Hon'ble court decides on the facts of the case to grant an ad interim injunction restraining the Government from dismantling the Silk Filatures, it is submitted that the petitioners are entitled to such an order only in so far as the old machinery and equipments actually from them in 1943 are concerned and that the Government are entitled to dispose of or dismantle the machinery and equipments such as boilers etc., which were installed by them by way of additions after the concern was acquired.



Shrawan
10.2.47.

Superintendent.

Dev Dept

(p p 1-4 above)

The main file is now with legal.
This may also be sent to their Dept for their
remarks, if any, on the counter affidavit
at pp 3-4 above

2 1581

Devho 9474

27/46.10

12.2.47

11247 11247

12.2.47

Legal.

MEMORANDUM NO. 24716 DI/46-11 DATED THE 21 FEBRUARY, 1947

Sub:- Suits - C.M.P. No. 6037 of 46 on the file of the High Court, Madras - Temporary injunction restraining the dismantling of the K.S.F., Kollagal.

Ref:- From the D.I. & C., Lr. No. 2160 S/42 dated 1.2.1947.

The Director of Industries and Commerce is informed that pending the disposal of the Appeal preferred by the K.S.F. Limited in the High Court, none of the machinery and equipment of the K.S.F., Kollagal should be dismantled or disturbed without the explicit orders of the High Court.

2. The Government Pleader, Madras should be instructed to request the High Court to clarify the scope of the injunction, if ^{the} injunction order is made absolute.

- To the D.I. & C. ✓

Copy to Govt. Pleader,
Madras. ✓

Handwritten signatures and initials:
Des
G. M.
H. M.
don

Handwritten: 220
17247

Handwritten: Please
2212

Handwritten: 23-4

Handwritten: Legal note on 4 ref

Handwritten: S. M. 4 ref
Left to 2212

28

Memo No 94716 D17.46.201 3-47

Suit:- Suits - C.M.P No 6037 of 1946 on the
file of the High Court, Madras. - Temporary
injunction ~~relating~~ restraining the
dismantling of ~~the~~ K.S.F. Kollegal

Ref:- ~~From the D946~~ Govt Memo, No 94716 p.2.2 where
D17.46.8 dt 6-2-47

The D946 is requested to ~~state~~ ~~whether~~
copy of the ~~Comdr's~~ affidavit filed on behalf
of Govt in the above suit may be
expected


15-3-47

To-
~~The D946~~
NN

From

Sri K. Kuttikrishnan
Government Pleader
High Court, Madras



233
39
The Secretary to
Government, Development
Department, Fort St. George

No. 240 dated 14th March 1947
25782

41
Sir,

Suits - C.M.P. No. 6037 of 46 High Court, Madras -
Temporary injunction restraining the dismantling
of Kollegal Silk Filature, Kollegal - Result.
Ref: ~~Govt~~ Memorandum No. 94716-DI/46-11 dated 21-2-47

The above petition for injunction came up for
hearing before Rajamannar J. on 13-3-47 when the injunc-
tion was made absolute restraining the Government from
dismantling the old machinery and equipment actually
acquired from the petitioners in 1943. The interim
injunction in other respects was dissolved.

K. Kuttikrishnan
14-3-47
Government Pleader.

PTO

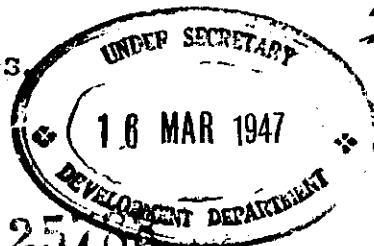
K
Copy to the Director of Industries and Commerce,
Chepauk, Madras with reference to his letter
No. 2160/D/42 dated 26-2-47.

O+S.
J

In the High Court of Judicature at M a d r a s.
Thursday, the thirteenth day of M a r c h,
One thousand nine hundred and forty seven.

Present:-

The Honourable Mr. Justice Rajamannar.



Civil Miscellaneous Petition No. 6037 of 1946

The Kollegal Silk Filatures Limited.) Petitioner (Appellant, in Appeal
Kollegal, Coimbatore District.) No. 567 of 1946 on the file of
the High Court).

The Province of Madras represented by the) Respondent.
Secretary to Government, Development Department,)
Fort Saint George, M a d r a s.) (Respondent in do).

Petition praying that in the circumstances stated in the affidavit filed therewith, the High Court will be pleased to issue an order of injunction restraining the respondent herein from dismantling the silk filatures of the Petitioner herein pending Appeal No. 567 of 1946 preferred to the High Court from the decree of the District Court of Coimbatore in O. S. No. 2 of 1945.

Order:- This petition coming on for hearing, upon perusing the petition, the affidavit filed in support thereof, the interim order of the High Court dated 4-12-1946 and made herein and the counter affidavit filed herein and upon hearing the arguments of Mr. K. S. Sankara Ayyar, Advocate for the petitioner and of Mr. V. Balakrishnan Eradi, Advocate for the Government Pleader for the Respondent, the Court made the following

O r d e r:- The injunction directed by the interim order of the High Court dated 4-12-1946 and made herein will be made absolute restraining the Province of Madras represented by the Secretary to Government, Development Department, Fort Saint George, Madras from dismantling the old machinery and equipment actually acquired from the petitioner in 1943, pending Appeal No. 567 of 1946 on the file of the High Court. The temporary injunction will be otherwise dissolved.

Sd/- . K. Krishnaswami Ayyar,
Assistant Registrar, Appellate Side.

(True Copy).

K. Krishnaswami Ayyar

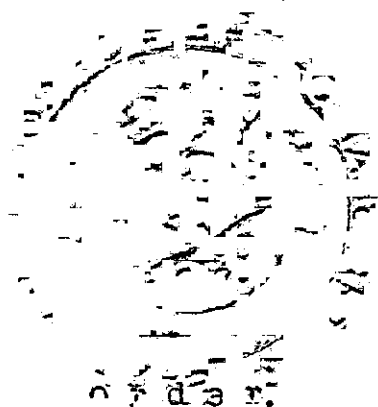
Sub Assistant Registrar, Appellate Side.

- To
1. The District Judge of Coimbatore (with a copy for service on the Respondent).
 2. The Secretary to Government, Development Department, Fort Saint George, M a d r a s (for compliance).

CMK.

42

Dated 13/3/1947.



C.M.P.No.6037 of 1946.

Plum
Today

Desepi:

17347 ERM NO 94716 27/4/46 12347

Communicated to the
Dgfr for ~~information~~
~~action~~ guidance.

in A
Association

17347 17347

AM 17.3.47 17/3

To
The Dgfr
(with a
Copy of
pp 35, 36 above)

Making absolute the interim
order of the High Court dated
4-12-1946 and made herein restraining
the Government from dismantling the
old machinery and equipment actually
acquired from the petitioner in 1943
pending Appeal No.567 of 1946 on the
file of the High Court and directing
that, otherwise the temporary injunction
issued herein be dissolved.

J.F. 32.

In reply, please quote
number, date and
short title.*

JUDICIAL DEPARTMENT.

10 MAR 1947

DEVELOPMENT DEPARTMENT

Received.....

From (Name) B.Koman Esq. B.A. B.L., B.C.S., Bar-at-law.,

(Designation) District Judge,

Post Box....., (STATION) Coimbatore.

Telegraphic Address.....

To

The secretary to government
development department,
Fort St. George Madras.

No....., dated 17th March 1947.

Sir,

Ref: Order of injunction in C.M.P. 6037 of 1946 -
High Court - O.S. 2 of 1945 on the file of
this Court.

ENCLOSURES.....

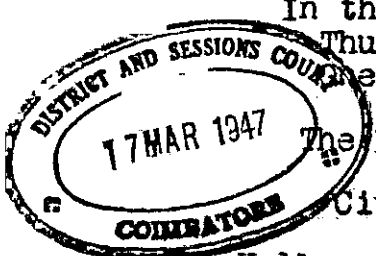
Two copies of the order in C.M.P. No. 6037 of 1946
in A.S. No. 567 of 1946 on the file of the High Court are
herewith sent. Please return the original with your endorse-
ment after accepting service of the copy.

SPARE COPIES.....

sv/18-3.

District Judge.

38
65



In the High Court of Judicature at M a d r a s.
Thursday, the thirteenth day of M a r c h,
the thousand nine hundred and forty seven.

Present:-

The Honourable Mr. Justice Rajamannar.

Civil Miscellaneous Petition No.6037 of 1946.

The Kollegal Silk Filatures Limited,) Petitioner (Appellant in Appeal
Kollegal, Coimbatore District.) No.567 of 1946 on the file of
the High Court).

The Province of Madras represented by the) Respondent.
Secretary to Government, Development Department,) (Respondent Indo).
Fort Saint George, M a d r a s.

Petition praying that in the circumstances stated in the affidavit filed therewith, the High Court will be pleased to issue an order of injunction restraining the respondent herein from dismantling the silk filatures of the Petitioner herein pending Appeal No.567 of 1946 preferred to the High Court from the decree of the District Court of Coimbatore in O.S.No.2 of 1945.

~~Order~~:- This petition coming on for hearing, upon perusing the petition, the affidavit filed in support thereof, the interim order of the High Court dated 4-12-1946 and made herein and the counteraffidavit filed herein and upon hearing the arguments of Mr. K. S. Sankara Ayyar, Advocate for the petitioner and of Mr. V. Balakrishnan Eradi, Advocate for the Government Pleader for the Respondent, the Court made the following

O r d e r:- The ~~k~~ injunction directed by the interim order of the High Court dated 4-12-1946 and made herein will be made absolute restraining the Province of Madras represented by the Secretary to Government, Development Department, Fort Saint ~~George~~ George, Madras from dismantling the old machinery and equipment actually acquired from the petitioner in 1943, pending Appeal No.567 of 1946 on the file of the High Court. The temporary injunction will be otherwise dissolved.

Sd/- . K. Krishnaswami Ayyar,
Assistant Registrar, Appellate Side.

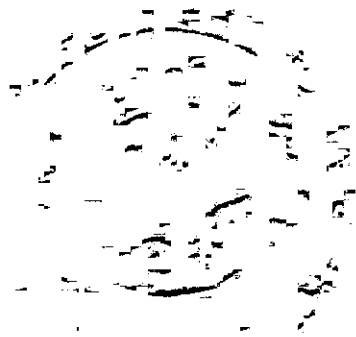
(True Copy).

[Signature] 15.3.47
SubAssistant Registrar, Appellate Side.

- To
1. The District Judge of Coimbatore (with a copy for service on the Respondent).
 2. The Secretary to Government, Development Department, Fort Saint George, M a d r a s (for compliance).

CMK.

Dated 13/3/1947.



O r d e r.

C.M.P.No.6037 of 1946.

Making absolute the interim order of the High Court dated 4-12-1946 and made herein restraining the Government from dismantling the old machinery and equipment actually acquired from the petitioner in 1943 pending Appeal No.567 of 1946 on the file of the High Court and directing that, otherwise the temporary injunction issued herein be dissolved.

2/48

to send urgently a copy
of the memorandum. Ground
in the above appeal for
reference. If the Memo
of appeal might have
been read by Govt. also
with notice of appeal, ref
to in the G.O. cited, I
request that it may be
sent to the Govt. Please
Madras directly with
a copy to my file.

2/9/48

Dear Sir

To us.

And

A copy memo to the Govt.

There is sub in appeal

2/4/48

AM
2-9-48

Letter to say

Devanagiri

12/2/4

12/2/4

Memo No 30340 D/47-11-24-47

Sno: Suit - Kollegal Sri Ramesh D.
Kollegal - Acquisition of property by
Govt - Appeal No 567/46 on the
file of the High court, Madras.

1/1-2 of

By: In the Dile, T. M. dated
31-3-47 of the D to Govt

Cop of 1/3-6 of (B)

A Copy of the memorandum
of grounds of appeal relating to
Appeal No 567/46 on the file of the
High court, Madras relating to the suit
mentioned above is forwarded to the
Govt Pleader Madras, as desired by
the Dile in his communication read
above.

sent
at present
D/4

1/1-2 of

To the Govt Pleader
Madras

Copy to D/224/1/2447

Copy of 1/3-6 of (B)
(H. take one St. copy 2 each)

AM
2-4-47

Office of the Director of Industries
Commerce, Madras.

APR 1947

Post Copy of Telephonic Message dated 29-3-47 from the Director of Industries and Commerce, to the Secretary, Government Development Department, Madras.

Sub: Kollegal Silk Filature, Kollegal- Acquisition of properties by Government of Madras- Decree in O.S.No.2/45 filed in the District court, Coimbatore- Appeal No.567 of 1946 on the file of the High Court, Madras.

Ref: G.O.No. 476, Development dated 7-2-48.

The Government Pleader, Madras has asked me urgently to send a copy of the memorandum of grounds in the above appeal for reference. As the memorandum of appeal might have been received by Government along with the notice of appeal referred to in the G.O.cited I request that it may be sent to the Government pleader, Madras directly with a copy to my file.

Dec 29/1 H. Rajappan

For Director of Industries & Commerce

A. Chinn

A. Chinn has already been taken on the TM received. J.S/31-3. Please see pp 3 above. This 3/3.

1652

Nov. 1951

TO US

(p 5 above)

Action has already been
taken on 12: T.M. received.

Please see p.p. 1-3 above

This may be ~~budgeted~~ ^{line} and
~~credited~~ to the previous papers

7.447-114

7.447

P. (Cino)
as. 7
2/17

103-605 (w)

DEVELOPT -
Memo No 6174122 (u) - 18 5-7-47 53

Sub. Suite - 28 SF. Kollegal - Acquisition
of properties by the Govt - Appeal No
567 of 1946 in the file of the High Court

The D. I. is requested
to ascertain & report
to check ~~to police~~ a report
~~regarding~~ the result of the
appeal ^{in this case} mentioned above, ~~and~~
~~to expedite~~

2/9/17
To the D. I.

AD 5867 25.7.47

(u) 747 ^{for} 4747

AM
5-7-47

145 Plume
Memo No 61741 DE (47-2726-7-47)
I

Re: Suits - H. S. F., Kallegal -
Acquisition of properties by
the Govt - Appeal No 567 of 1946
in the file of the High Court

62-64
28/7
Yamun

Ref: Govt Memo No 61741 DE (47-1757-47) Fix time
The date is requested

State when his reply to
the memo cited above may
be expected

ds(u) sm
25/7/47

AM
26/7/47

To T. C. D. D.
15-8-47
Rd. 20807

Industries & Commerce Department.

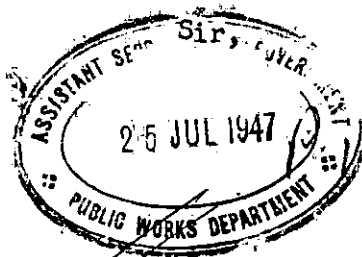
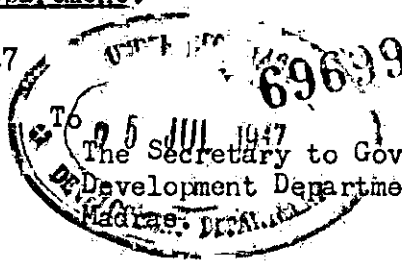
No.2160.D1/47 D/23-7-47

From

The Director of Industries
and Commerce,
Chepauk, Madras.

To

The Secretary to Government,
Development Department,
Madras.



Sub: Suits - Kollegal Silk Filature, Kollegal - acquisition
of properties by Government - Appeal No.507 of 46 in
the file of the High Court, Madras.

Ref: Government Memo No.61741 DI/47-1 Development dated 5-7-47

A copy of the Government Pleader's letter is enclosed.

The Kollegal Silk Filature, Kollegal put in a petition before the High Court, Madras for allowing an appeal, against the decision of the District Judge Coimbatore in the arbitration proceedings. The High Court ordered that they were not satisfied that the appeal could not have been filed in time and dismissed the petition with costs. The company again put in another petition stating that there is no period of limitation fixed in the Defence of India Act or in the rules framed thereunder and that the appeal may be filed at any time. The Court delivered judgment on 11-7-47 holding that the appeal filed against the award of the District Judge is in time.

for Director of Industries & Commerce.

S.B/13-7

23/7

Sub:- SUIT - Kollegal Silk Filatures Kollegal - Acquisition of properties
by Government Appeal No 567/46 on the file of the High Court.

57

~~M-3-b-156~~

above appeal is not yet ready for hearing and is pending.
It is not likely to come up for hearing during the course of this year.

TOCS

DEUTER'S Shanmugam

Submitted for perusal of 2-3-74.

M-3-5 above In view of the Superintendent
letter above the papers may be lodged and added to the
Go at (u) with a CB entry against #2-48 5.1.48
62876 28.7.47 AM 10-7-47 entered in the
CB file against 5148

"Ayarco"

Telegram: 'KOLLE' 'SILK'

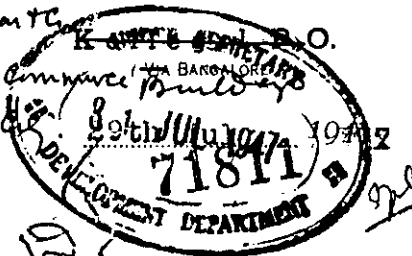
The Kollegal Silk Filatures Ltd.,

To Messrs Ayarco & Co.,

Chamber of Commerce, Bangalore

Bangalore

Ref. No.



From

M.S. Ganesh Iyer,

Managing Director,

The Kollegal Silk Filatures, Ltd
Bangalore City.

To

The Secretary,

Development Department,

Fort St. George,

Madras.

Dear Sir,

M
N
The Directors of the Kollegal Silk Filatures Ltd., are anxious to interview the Minister of Industries, Mr. Sitarama Reddiary while he visits Kollegal this week or next week. I request he may be pleased to receive the deputation either at Kollegal or Bangalore if he passes via Bangalore. I shall thank you to kindly arrange and inform me the time and date. This is in connection with our memorandum for the restoration of the factory back to the company. IR

Thanking you,

Yours faithfully,

For THE KOLLEGAL SILK FILATURES LTD.

M.S. Ganesh Iyer

Managing Director.

Dev. Secy
3

Plain charge
28/8/47
28/8/47

Letter No 71811 D-1/47 - 1 of 2-8-47

To
Sri H. S. Ganesh Ayyar
Managing Director, The Kollegal Silk Silam Ltd.
Co. H/S Ayyar & Co.
Chamber of Commerce Building
Bangalore City ✓

Dr
MD
28/8

Sir,

p/cf

Sub: Kollegal Silk Silam Ltd - Month &
immovable properties acquired by Govt
- Restoration - Request for
Ref: Your letter No Nil dated 29.7.47.

In reply to the letter cited above,
I am directed to state that the Hon Minister
for Industries will receive the deputations at
5 PM on the 4th August 1947 at Kollegal.

Ops to
Sri Diwan Bahadur
A. Appadurai Pillai
96, Ponnammal Street Road.
Kilpauk
28/8/47

AM
28/8/47

6
28/8/47

Ops to D-2
in view of the shortness of notice
The telegram below may also please issue

Express Telegram No 71811 D-1/47 - 2 of 2-8-47
Ayyar & Co.

Plain charge
28/8/47
28/8/47

Bangalore City
Ganesh Ayyar's letter twenty ninth July
regarding restoration of properties of
Kollegal Silk Silam Ltd. Minister
for Industries will receive deputations at
five o'clock ~~fifth~~ fourth August
afternoon at Kollegal.

Devanand

Tele
MD
28/8

P.C. to go
28/8/47

AM
28/8/47

6
28/8/47

P.C. to file

Sub: Suit - Kollegal Silk Silahs vs. Kollegal - Acquisition of property by Govt of Madras - Decree in suit filed in the Dist. Court, Coimbatore - Appeal filed before the High Court of Madras against Decree - Notice.

Re: From the High Court of Madras, Notice dated 17.12.46 in respect of Appeal No 567 of 1946.

To U.S.

Please see the notice of the High Court of Madras served on the Secy to Govt, Dist. Dept. as Respondent in the Appeal filed in the High Court by the Kollegal Silk Silahs Ltd. The Decree of the Dist. Judge, Coimbatore, and the Judgment relating thereto against which the present appeal has been filed are at pp 147-151 of (A) & pp 153-163 of (B). The Appeal has to be defended by the Govt.

In regard to a miscellaneous petition praying for a temporary injunction pending the disposal of this Appeal, the notice was served direct by the High Court on the Govt Pleader, Madras. It was also stated by the High Court that the Govt Pleader Madras had entered appearance on behalf of the Govt in respect of the Civil Miscellaneous Petition. It is not clear whether a notice in respect of the Appeal has also been served on the Govt Pleader, Madras and whether he has or will enter appearance on behalf of the Govt.

It is for consideration whether the defence of the Appeal may be sanctioned now and whether the Advocate General Madras will have to appear on behalf of the Govt to oppose the Appeal in view of the importance of the issues involved in the Appeal. Perhaps the Govt Pleader, Coimbatore who conducted the case in the Dist. Court, Coimbatore may also be specifically asked to instruct

1-1-47

1-1-47

62; M. D. S. G. are at pp 147-151 of (A) & pp 153-163 of (B). The Appeal has to be defended by the Govt. In regard to a miscellaneous petition praying for a temporary injunction pending the disposal of this Appeal, the notice was served direct by the High Court on the Govt Pleader, Madras. It was also stated by the High Court that the Govt Pleader Madras had entered appearance on behalf of the Govt in respect of the Civil Miscellaneous Petition. It is not clear whether a notice in respect of the Appeal has also been served on the Govt Pleader, Madras and whether he has or will enter appearance on behalf of the Govt.

M

2-
The Law Officer placed in charge of the Appeal at
Madras.

Legal Dept may see for advice as to 17 on p 1
and also for acceptance of the proposal to defend
the suit.

Ad
15.1.47 In view of the importance of
the issues involved, the Advocate
General Madras may be requested to
appear on behalf of the Govt & to
argue the appeal. The Govt pleader Coimbatore
may be requested to instruct him at
Madras. Legal & Finance may see the
case for remarks, if any.

AAI
15.1.47.

S. S. 15.1.47

Legal
Dir

LEGAL DEPARTMENT.

Under the rules in G.O. No. 200, Home, dated 11-1-1941,
it is one of the duties (of the duties) of the Government
Pleader, Madras, to conduct and defend civil appeals or other
proceedings on the Appellate Side of the High Court in which
the Government are concerned. The Advocate-General's duty
however is to conduct and defend all civil suits arising

in the original side of the High Court and all appeals
therefrom. It is open to the Government to engage him to

appear on their behalf in civil appeals and other proceedings
in the appellate side also. ~~It is not known whether appeal has~~
~~been filed against that decision.~~ The decision of the District

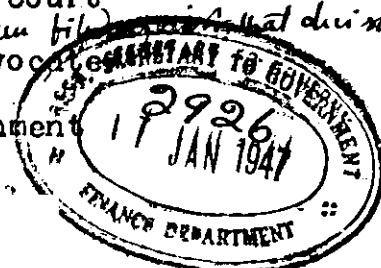
Judge is based ~~relying~~ on the decision of the Calcutta High Court
reported in 1945 7 L.J. 182. ~~it is not known whether an appeal has been filed~~

The question whether the Advocate-General should be engaged in this case is one for the Government
to decide. Home Department may also be consulted.

ASSISTANT SECRETARY

15 JAN 1947

LEGAL DEPARTMENT.



17.1.47

S. S. 17.1.47

17.1.47

Final Per

Govt. may agree to the proposal for sanctioning the defence of the appeal. As regards the point whether the Svt. should require the Advocate-General to appear on behalf of the Svt., it is for consideration whether this Dept. may advise that the Svt. Pleader, Madras, be asked to appear on behalf of the Svt., it being left to him to suggest the appearance of the Advocate-General if he considers this course necessary. Home may also see for remarks suggested by Legal.

The case may be returned to Dev. through Home.

16th Advocate-General is to be engaged in this case, but the fee will have to be paid in the matter after discussion with the Govt. Pleader, Madras. Also see the matter after discussion with the Govt. Pleader, Madras. Also see the matter after discussion with the Govt. Pleader, Madras.

In no 2926 Par-1
17.1.47

17/1/47

24
17.1.47

14th
17.1.47

Home / Devt

5-50F-17

3676F
17/1/47
K i c

Please see the notes on pp 1-3 above.

In the circumstances stated, this Dept. need not object to the proposal of Devt. to ask the Advocate-General to appear on behalf of the Crown and to argue the appeal referred to and also to direct the Govt. Pleader, Coimbatore to come to Madras to instruct the Adv. Genl. For orders.

(2) with reference to para 2(h) of G.O. No. 3577 Law (Genl) d-14.11.35, a daily fee subject to a maximum should be settled in advance, if the Govt. Pleader Coimbatore is to be deputed to Madras.

The file may be returned to the Development Dept.

17/1/47

The course suggested by it may be agreed to

17.1.47 It may be left to the Govt Pleader, Madras to decide whether he requires the help of the


 The letter R is written in a cursive style. The vertical stem is on the left, and the curved part on the right is formed by a single stroke that starts from the middle of the stem, loops around, and ends at the top.

26-18-1-17 6022

Time is
3676 $\frac{F}{474}$

19.147

To us.

Dec. Sept.



[Previous note of this type on 11-2-42]

Please see the notes of Legal

Inv. and Home Deps. on pp 2-4 above.

This Dept considers that the appeal may be depended K. or p 2 etc
and that the Advocate General should be asked to
conduct the case, on behalf of the Govt, in the High
Court. J. & Home Dept. Consider that it would
suffice if the Govt Pleader, Madras argues the Appeal,
instructed by the Govt Pleader, Cimbombur who conducted
the case in the lower court, should the G.P. Madras require
such instructions. It is for order now. —
over

- (i) Whether this Appeal may be ~~dependent~~^{opposed} and sanction accorded therefor; and
- (ii) Whether the Advocate General should be engaged specially for the purpose of conducting the Appeal or whether the Govt Pleader, Madras may be asked to conduct the Appeal, as suggested by Mr & Mrs Septh.

1. H_2 & O_2 are not at H_2
 2. H_2 & O_2 are not at H_2
 3. H_2 & O_2 are not at H_2

14 3-24 Adv.

We may agree with the views of Finance & Home. ^{The proposals in} (i) & (ii) may be approved.

21147

APM
1-1-47

May be approved.

J.S. | S. He writes may have been
Admitted to the G. P. Ward.
ask for the as, time of the
Admission. Forward.

42
23.1

It is an important matter & in the short time
allowed in Mr T.R. Venkataswami Senthil's appearing
I think it is better we engage his Advocate
for this Case

M | 982 | 119
22/1

H.P.M. Yes. The Advocate General
may be engaged.

JP 5/2/47

8.6/2/47
pi

-- FO U.S

(Orders in Circulation above)

A draft order is submitted below
for ~~approval~~ approval. Separate action
will be taken with reference to 'Q'

-- on p 3 above, after issue of the order,
on receipt of communication from the Advocate General or Col. N. S. Senthil
6247 in this matter.

6247
6247

The draft order below may issue.

AAN
7.2.47

J.S.
M

7.2.47 [Forwarded G.O. No 476 on 22.2.47]

Close
J.S.

Sub: Suits - Appeal No 57 of 1946 on the file of the High Court, Madras, in the matter of acquisition of properties of Kollegal Silt Slavers, by Govt of Madras under A.O.I. Rules.

Re: From the High Court, Madras, Notice in C.M.P. No 637 of 1946..

To W.S.

Please see the interim injunction issued by the High Court of Madras, restraining the Govt of Madras from dismantling the Kollegal Silt Slavers, Kollegal pending the disposal by the Court of the Appeal preferred by the Kollegal Silt Slavers, Kollegal on the awards of the District Judge, Crimcherry. The affidavit of the Appellant dated 13-15 of Feb and the circumstances in which the interim injunction has been issued by the Court. The order has been instructed that the alleged dismantling of the Slavers should be suspended pending the disposal of the appeal by the Court. He has also been asked to offer his remarks on the notice of restraint. This reply has not been received yet. A duple reminder is sent for appeal.

May issue
APM

2. The High Court has reported that the Government Pleader, Madras was served with a copy of the petition and affidavit in the C.M.P. before the Court and that he has filed appearance on behalf of the Govt (Respondent in the appeal). The Govt Pleader has not so far asked for any instructions as to the future action in the defence of the Appeal. Nor has the order reported anything in regard to the order in the High Court so far.

3. The case may perhaps be sent now to the Legal Dept for advice as to the action, if any, to be taken by this Dept in the matter.

3. A duple advice to the High Court is also

.. 716 1-1

Submitted for approval.

May issue
APM

APM
1.1.47

APM
9.1.47 J.S.

Issued as Memo No 94716
D1) 46.4 D1) 9.1.47
and Memo No 94716 D1) 46.5 D1) 9.1.47
LEGAL DEPARTMENT.

Dev no 94716 4/46-6
15.1.47

The Development Department may consult the Director of Industries and Commerce whether he has ~~himself~~ instructed the Government Pleader and if so on what lines. If the Director of Industries and Commerce has not so far issued any instruction, he may be requested to indicate the lines on which the petition should be contested.

of 372

ASSISTANT SECRETARY
-15 JAN 1947
LEGAL DEPARTMENT

4.1.47 S.
12/1/47

Legal no. 372/47-
12.1.47

6017

Dev. Dept.

To A.S.

Legal Dept. notes above:

A draft memo to the Secy is

Submitted for approval.

APM
18.1.47

APM
20.1.47

[Issued as Memo No 94716 D1/46-7 d 21.1.47 to D226]
From the Dgt Lr No 2160 D1/42 d 30.1.47

9-30

To US

Phase see Dgt C's reply ~~to the~~
to the memo at pp 19-20 cf. The Dgt
~~has not indicated~~ may be asked to
report furnish to Govt a copy of the
Counter affidavit - to be filed on behalf
of the respondent - (Govt) - Phase see
the note of Legal Dept. at A above
The draft memo ~~herewith~~ is for approval.
Legal may perhaps see the case on receipt of it ~~may~~ for order

APM
22.1.47

94716 D1) 46.8 d 6.2.47

From the Dgtc Lr NO 2160 D/42 DA 1-247
TO V/S

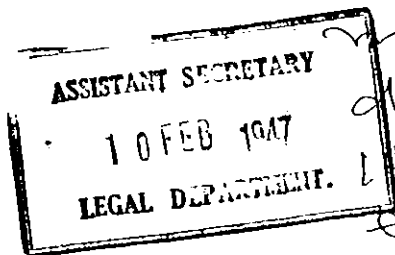
Please see at p 23 of the Dgtc's
reply to the encl. on p 1 of

A. on p 23 of This does not
seem to be ~~practicable~~ ^{advisable} in view of
the fact that the Court injunction
will cover all the properties relating
to the K.S.F. Kollegal. ^(and lay himself open to the charge of carrying out) The Director
may be informed, that pending
disposal of the appeal in the
High Court ^{none of} the machinery and
equipment of the K.S.F. Kollegal
should be dismantled or disturbed.

~~The~~ draft memo ^{is put up} at p 24 of

for approval

Legal may perhaps advise whether the
view of the Dgtc. at 'A' on p 23 of is correct.



P1 S/A
415
9.2.47

Deho 94716
D/468
8.6.47

6247 6.247

AM
7.2.47

J.S. on legal

Legal Department

In view of the High Court's injunction on page 1 c.f.
it is not advisable to dismantle any machinery, though installed
by the Government after the concern was taken over. It is argu-
able whether the expression "silk filatures of the petitioner"
in the injunction order would cover also machinery installed by
the Government after they took over the concern. But, to avoid
all complications, it is better to take the Court's further
orders in the matter.

*The Court Pleader may also be instructed to
request the High Court to clarify the
scope of the injunction of machinery
order to make absolute.*



13/2/47. Dev:

Legal n. 0145/47-1

*Dev Dept 1454 23/12 32.47
14.247*

*revised
A draft memo with Dgt
be low for approval*

is submitted

*BB
14/2/47*

Des Dept

TO US

- Notis of Legal Dept. on p 4 also may be perused.

inherent

- A para has been added to the draft memo on p 24 cf for approval. For order as to the

p 24 cf

use of draft memo, as now amended

14247 14247

Put up a clean copy as amended.

15247

to send Dept on p 24 cf

To A.S.

- A clean copy of draft memo is sent below for approval.

15247

Des
W. H. J. S.
W. H.

(Amended Memo No 84716 27.2.57) 46-1120d
H-31 Cf - Under issue

10/10/47

CNO94716

7/13

Legal Dept.

No. II.

1-24 of

10/14 above

10/24 above

The main file has been sent to
The Development Department with legal
L.O no 1415-1 dated 13.2.47. The
Counter-Affidavit at pages ²⁸⁻³⁰ [3-4] and
May be perused. It calls for no
remarks and the file may be
passed into the Development Dept
in continuation of legal no 1415-1 dated 13.2.47

Legal L.O 1581/47-1
17.2.47

14/2/47

16347

NOTED - H

14/2/47

To A.S.

Dev Dept

His order of the file may be annexed file 15.3.47

27.2.47

10/24 above

From the Govt Pleader Lr No 240 dt 14.3.47 - p 33
From the Assistant Registrar, copy of the
order of the High Court dated 13.3.47
To US 100-36 CF

Please see letter from the Dgt at
p 23 CF; the memo to the Dgt at p 31 CF, the
report from the Govt Pleader at p 33 CF
and copy of the orders of the High Court
at p 35 CF

A copy of the Govt Pleader's letter
has gone to the Dgt also. The Court's
order at p 35 CF may be communicated
to the Dgt for necessary action. The
draft endt on p 36 CF is for approval

17347/17347

The draft Endt on p. 36 CF may issue.

AM
17-3-47

Issued as Endt NO 911 dt 17.3.47 - p 35 CF

From the St. Judge Criminal Court
137 of No. N. U. dated 17-3-47

To U.S.

Please see the letter ^{at 137} from the
St. Judge, Criminal Court ~~at 137, of~~
The copy of the order ^{copy} at 139 of is
only the same as that ^{of series of order, on one of the copies} at 135 of. The
~~draft~~ end of the St. Judge, Criminal Court
submitted below is for approval

1934) ¹⁹³⁴
1934

Secy may sign (in full) The

Endorsement placed below in token of having
received a copy of the High Court order

ENM-NO-947-16-21/46-13
del 19-3-47 by the St. Judge
BE del 20/3-47

APM
19-3-47

S. 1934

To U.S.

As it will take some time for
the disposal of the appeal by the High

Court over the ^{appeal} ~~appeal~~ ^{to GO No 476 H. 202 & 7.2.47} ~~appeal~~ ^{against} ~~1-7-47~~ ¹⁻⁷⁻⁴⁷
 lodged with C.C.B. entry ~~is~~ ^{is} ~~1-10-47~~
 is ~~main~~ call for a report from
 the ~~date~~ in the matter (if no ~~such~~
 report ~~was~~ received ^{in the meanwhile} ~~till then~~) as regards
 the result of the appeal. For orders -
 B.

22347 AM
22347

Is no action necessary in
this file in regard to the defence / A
of appeal in the High Court.

T-5-U-1,
A note: In view of the order issued
in G.O. No 476 MS Des dated 7.2.47 authorizing the
Advocate General to oppose the appeal,
no further action seems necessary in this
file regarding the defence of the writ.
This file was forming a preliminary part of it.
May be lodged with a C.B. entry against 1747. Entered
24347 ~~24347~~ ~~24347~~ AM 25-3-47
an entry
No 788

Sel. Industries - Sericulture - Kollegal Silk
Silk Industries, Kollegal - Requisition by the
Govt. - Restoration to the Company -
Deputation to wait on H.O. (Ind).

Ref: From the Managing Director, The K.S.F. Ltd
Nofil of 29-7-47.

TOL

" 1' on b1 of - Please see on p1 of the
letter of the Managing Director, the Kollegal
Silk Industries Ltd. desiring to wait
on H.O. (Ind) in deputation.

A private company
whose properties were
acquired by the Govt.
during war.

There is no information
in this Dept about the ^{ensuing visit} ~~the~~ ~~proposals~~
of H.O. (Ind) to Kollegal, Bangalore ch.

No information is available in the
Secretariat as to ^{whether} the memorandum
referred to at 'N' on p1 of. is any
communication received by the present
H.O. (I) or the question of restoration of
the factory of the Company. Perhaps it
refers only to a memorandum which was
presented to the late H.O. (I & L) by V.V. G in
June 1946.

7169-

[The papers relating to the
requisition and acquisition of the K.S.F.
by the Govt will be found at files G & H]

respecting the papers relating to the
appeal of the H.S.F. against the
requisition and requisition of the
movable and immovable properties
of the H.S.F. will be found at page (5)

317u) The District Court, Coimbatore confirmed the
orders of the Arbitrator appointed by the Govt.
in respect of the acquisition. The Kollegal Seli
Examiners Mr. Ravi has now filed a petition before
the High Court, against the orders of the District
Court, Coimbatore. The petition before the High Court
has not been disposed of yet. The High Court
is not likely to take up the case in the course
of the year according to the latest letter of the
Govt. Pleader.

Independently of the legal proceedings
which the Company has been taking all along to
get their properties restored to them, representations
have also been made by it to the Govt. directly
and through Mr. J.R. Venkataranga Sastri. The
Govt. did not see any justification to restore
the properties to the Company after they had
been permanently acquired and the Company
was informed accordingly. The purpose of this
deputation is perhaps to ascertain the same
demand. In the light of the above, it is
for consideration by HST (2) whether, in the
event of his visiting Kollegal shortly,
he will allow the deputationist to
meet him and if so, whether the
time, date & place for the meeting will
be fixed.

There is no objection to meeting
the directors of the Company even though
their claim for the restoration of the

Her
31747
R.47

movable & immovable properties acquired by the Govt. is pending in appeal before the High Court. They have requested for an interview either at Kollegal or at Bangalore. It is for orders whether H.M. (Ind) will find it convenient and grant them an interview; if so the time & place may be fixed.

H.M. (I).

For orders whether H.M. will be pleased to receive the deputation and if so the place, date & time.

AM
1.8.47

Wanthu
118147

H.M. (I)

V.S.
Inform Mr. Appadurai Pillai about this at once. 2/8/47

The deputation will be received on the 4th of August at Kollegal at 5 P.M. The memorandum referred to may be put up.

H.M.
1181

To U.S.

The Gauri Ayar letter app to

A draft letter to Mr. Appadurai Pillai is sent for approval. A draft telegram is also sent for consideration.

The memorandum referred to is on pp 169-182 of (A). The notes and orders on pp 213-216 of (A) are also for perusal in this connection.

The file may be circulated to H.M. (I)

after issue of the drafts.

AM
2.8.47

The drafts below may issue. After issue the file may be circulated to H.M. (I) for perusal of pp 169-182 & 213-216 of (A).

① Issued for perusal (a/c) 2/8/47

H.M. 8/28

AM
2.8.47
Issue
Wanthu
S 2184
H.M. I (a/c)

TOLG

Please see p3 above. HAF (Ind)
has not passed any specific orders
in the ^{the report of the department which will be a kind of release} field. There is therefore no
necessity to keep this file open. Memo
randum, if any, received from the
the illegal det. Filahard Ltd may be
halt with ad and collect received.
These papers may be lodged and
add to HQ 476 Memo 8-2-47.

1980/ see
9847

AM
9847